

Applic. No.: 09/917,549

Amdt. Dated July 19, 2005

Reply to Office action of April 19, 2005

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-3, 5-6, and 8-10 remain in the application. Claim 1 has been amended. Claims 4 and 7 have been cancelled.

In the section entitled "Claim Rejections - 35 USC § 103" on pages 2-4 of the above-mentioned Office action, claims 1-3 and 5-10 have been rejected as being unpatentable over Ye et al. (US Pat. No. 6,080,529) in view of Subramanion et al. (US Pat. No. 5,986,344) under 35 U.S.C. § 103(a).

The rejection has been noted and claim 1 has been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found in original claim 7 as well as on page 9, line 22 to page 10, line 10 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

setting the etching gas composition with hydrogen and nitrogen for causing a vertical removal of the

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photoresist to correspond at most to an etching rate of the organic antireflection layer.

According to amended claim 1 of the instant application, the etching gas composition with hydrogen and nitrogen is set such that the vertical removal of the photoresist corresponds at most to the etching rate of the antireflection layer, resulting in an only slight faceting of the photoresist layer.

Neither Ye et al. nor Subramanion et al. teach an etching gas composition causing a vertical removal of the photoresist on top at most corresponding to the etching rate of the organic antireflection layer below.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

It is noted that the Examiner has rejected claim 7. However, the Examiner never offered any reason why claim 7 is not unpatentable.

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In view of the foregoing, reconsideration and allowance of claims 1-3, 5-6, and 8-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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For Applicants

YC

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